#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3264 OF 2006

Tasleem @ Natiya Sayyed Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.V.V.Purwant with R.D.Suryawanshi for applicant

Ms.Rajeshree Gadhavi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th September 2006.

P.C.

. Heard Mr.Purwant for the applicant and Mrs.Gadhvi, A.P.P. for State.

2. This application was placed before me earlier and adjourned till today. The I.O. was not present on that date as also today to instruct the A.P.P. These are not satisfactory state of affairs because the matter pertains to Dist.Thane. It is not as if the I.O. cannot attend the court. No explanation has been placed on record in that behalf. In such circumstances, I am constrained to proceed.

3. There is a specific statement made in this application that the charge sheet is filed and the applicant is behind bars for the last 22 months. The co-accused are already enlarged on bail.

4. The C.R.No.I-99/04 registered with Bhivandi Taluka Police station alleges offences punishable under section 395, 307, 427 of I.P.C.

5. It appears from the perusal of the statement, copies whereof are annexed to this

application, that the incident took place on Highway where the complainant and the cleaner were in a truck which was being driven by one of them from Jalna to Mumbai and carrying a consignment marked for delivery at Mumbai. It appears that an altercation took place and the allegation is that the applicant who was along with others travelling in Tata Sumo vehicle chased the truck because it apparently had collided with the said Tata Sumo. Thereafter, the Tata Sumo was brought in the middle of the road in such a position that the Truck driver had to halt his vehicle. Thereafter persons sitting in the vehicle Tata Sumo got down and assaulted the driver and cleaner of the truck, tied them to a nearby tree and took away Rs.10,000/- and other documents from their person.

6. As far as the further event is concerned, the applicant has not been named. Applicant's name appears as one of the persons who were travelling in the Tata Sumo. There are in all 8

persons who are allegedly involved in the incident and since the co-accused are enlarged on bail and the investigations are complete and charge sheet is filed, Mr.Purwant submits that the applicant deserves to be enlarged on bail.

7. On the last occasion I was not satisfied with the details of the residence of applicant. Today, the applicant has produced a ration card which was issued on 31st December 2005. Mr.Purwant states that this is in continuation of the old ration card and on the date of incident as well the applicant was residing along with his parents and sisters at the address mentioned in the ration card. He submits that the address set out in the cause title of the application and the ration card is identical.

8. None has remained present to verify this fact. That apart, the investigation has been complete and co-accused being enlarged on bail, application of the present applicant merits

consideration and he deserves identical relief. Hence, the following order:-

i) The applicant arrested in connection with C.R.No.I-99 of 2004 registered with Bhiwandi Taluka Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount. The applicant will not be released on bail unless the proof of his residence at the address mentioned in the cause title of the application so also in the F.I.R. is verified and scrutinised by I.O.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the

trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)